

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 386**

**Introduced by Assembly Member Lieber**

February 11, 2005

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An act to ~~add Section 4474.2 to the Welfare and Institutions Code, relating to developmental services; amend Sections 44001.5, 44002, 44003, 44005, and 44013 of the Health and Safety Code, relating to air pollution.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 386, as amended, Lieber. ~~Agnews Developmental Center Air pollution: motor vehicle inspection and maintenance.~~

*Existing law establishes a motor vehicle inspection and maintenance (smog check) program, developed, implemented, and administered by the Department of Consumer Affairs. The duty of enforcing and administering the program is vested in the Chief of the Bureau of Automotive Repair within the department.*

*This bill would require the State Air Resources Board, in consultation with the department, to develop, and revise as necessary, the program goals, program design, and program funding to implement the smog check program. The department, in consultation with the state board, would be required to implement and enforce the program designed by the state board. The duties of the department would be vested in the chief of the bureau. The bill would make other conforming changes.*

~~Existing law establishes the State Department of Developmental Services and sets forth its duties and responsibilities, including, but not limited to, administration and oversight of the state developmental centers and programs relating to persons with developmental~~

disabilities. Existing law, the Lanterman Developmental Disabilities Services Act, requires the department to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families.

Existing law requires the department to submit a plan to the Governor and the Legislature whenever it proposes closure of a developmental center.

This bill would, in addition, require the department to develop a plan for the closure of Agnews Developmental Center to be used as a model plan for future closures.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 4474.2 is added to the Welfare and~~  
2     ~~Institutions Code, to read:~~

3     ~~SECTION 1. Section 44001.5 of the Health and Safety Code~~  
4     ~~is amended to read:~~

5     ~~44001.5. (a) A duty of enforcing and administering this~~  
6     ~~chapter is—~~*The state board shall, in consultation with the*  
7     ~~department, shall develop, and revise as necessary, the program~~  
8     ~~goals, program design, and program funding to implement this~~  
9     ~~chapter. The department shall, in consultation with the state~~  
10    ~~board, implement and enforce the program designed by the state~~  
11    ~~board. The duties of the department under this chapter are vested~~  
12    ~~in the chief of the bureau who is responsible to the director.~~

13    (b) *The state board and the department shall take those*  
14    ~~actions consistent with its~~ *their respective* statutory authority to  
15    ensure that the reduction in vehicle emissions of hydrocarbons,  
16    carbon monoxide, and oxides of nitrogen meet or exceed the  
17    reductions required by the amendments enacted to the Clean Air  
18    Act in 1990. *The state board and the department shall endeavor*  
19    ~~to achieve these vehicle emission reductions as expeditiously as~~  
20    ~~practicable, but not later than the deadlines established by the~~  
21    ~~amendments enacted to the Clean Air Act in 1990.~~

22    (c) *The department, consistent with the program designed by*  
23    ~~the state board,~~ *shall also ensure that gross polluters are*  
24    ~~identified and failed when tested pursuant to this chapter and that~~

1 vehicles meeting the state standards *established by the state*  
2 *board*, are protected from being falsely failed.

3 ~~(d) The department may exercise the emergency rulemaking~~  
4 ~~powers in Chapter 3.5 (commencing with Section 11340) of Part~~  
5 ~~1 of Division 3 of Title 2 of the Government Code in order to~~  
6 ~~promptly issue any regulations required to implement the 1994~~  
7 ~~amendments to this chapter.~~

8 *SEC. 2. Section 44002 of the Health and Safety Code is*  
9 *amended to read:*

10 44002. The ~~department~~ *state board* shall have the sole and  
11 exclusive authority within the state for developing and  
12 ~~implementing~~ *revising* the motor vehicle inspection program in  
13 accordance with this chapter.

14 For the purposes of administration and enforcement of this  
15 chapter, the department, and the director and officers and  
16 employees thereof, shall have all the powers and authority  
17 granted under Division 1 (commencing with Section 1) and  
18 Division 1.5 (commencing with Section 475) and Chapter 20.3  
19 (commencing with Section 9880) of Division 3 of the Business  
20 and Professions Code and under Chapter 33 (commencing with  
21 Section 3300) of Title 16 of the California Code of Regulations.  
22 Inspections and repairs performed pursuant to this chapter, in  
23 addition to meeting the specific requirements imposed by this  
24 chapter, shall also comply with all requirements imposed  
25 pursuant to Division 1 (commencing with Section 1) and  
26 Division 1.5 (commencing with Section 475) and Chapter 20.3  
27 (commencing with Section 9880) of Division 3 of the Business  
28 and Professions Code and Chapter 33 (commencing with Section  
29 3300) of Title 16 of the California Code of Regulations.

30 *SEC. 3. Section 44003 of the Health and Safety Code is*  
31 *amended to read:*

32 44003. (a) (1) An enhanced motor vehicle inspection and  
33 maintenance program is established in each urbanized area of the  
34 state, any part of which is classified by the Environmental  
35 Protection Agency as a serious, severe, or extreme nonattainment  
36 area for ozone or a moderate or serious nonattainment area for  
37 carbon monoxide with a design value greater than 12.7 ppm, and  
38 in other areas of the state as provided in this chapter.

39 (2) The enhanced motor vehicle inspection and maintenance  
40 program established pursuant to paragraph (1) shall be ~~assessed~~

~~jointly by the department and the state board periodically~~  
~~periodically assessed by the state board, in consultation with the~~  
~~department, to determine whether changes in the program may~~  
~~be warranted. On or before January 1, 2003, the department and~~  
~~the~~ The state board shall ~~jointly~~ issue a report to the Legislature  
based on those periodic assessments, recommending any  
modifications to the enhanced program to improve its operations  
and lessen its impact on consumers while still achieving the  
necessary emission reductions to attain air quality standards. The  
report shall include a review of any program proposed pursuant  
to Section 15 of Chapter 803 of the Statutes of 1997.

(3) A basic vehicle inspection and maintenance program shall  
be continued in all other areas of the state where a program was  
in existence under this chapter as of the effective date of this  
paragraph.

~~(b) The department state board, in consultation with the~~  
~~department, may prescribe different test procedures and~~  
~~equipment requirements for those areas described in subdivision~~  
(a). Program components shall be operated in all program areas  
unless otherwise indicated, as determined by ~~the department state~~  
~~board~~. In those areas where the biennial program is not  
implemented and smog check inspections are required to  
complete the requirements set forth in Sections 4000.1 and  
4000.2 of the Vehicle Code, program elements that apply in basic  
areas, including test equipment requirements for smog check  
stations, shall apply.

(c) (1) Districts classified as attainment areas may request  
the department to implement all or part of the program elements  
defined in this chapter. However, the department shall not  
implement the program established by Section 44010.5 in any  
area other than an urbanized area, any part of which is classified  
by the Environmental Protection Agency as a serious, severe, or  
extreme nonattainment area for ozone or a moderate or serious  
nonattainment area for carbon monoxide with a design value  
greater than 12.7 ppm.

(2) Districts that include areas classified as basic program  
nonattainment areas pursuant to subdivision (a) may, except as  
provided in paragraph (1), request the implementation in those  
areas of test procedures and equipment required for enhanced

1 program areas and any other program requirement specified for  
2 enhanced program areas.

3 *SEC. 4. Section 44005 of the Health and Safety Code is*  
4 *amended to read:*

5 44005. (a) The Department of Motor Vehicles shall  
6 cooperate with the department in implementing any changes to  
7 enhance the program to achieve greater efficiency, cost  
8 effectiveness, and convenience, or to reduce excess emissions in  
9 accordance with this chapter.

10 (b) The program shall provide for inspection of specified  
11 motor vehicles, as determined by the ~~department~~ *state board, in*  
12 *consultation with the department*, upon initial registration,  
13 biennially upon renewal of registration, upon transfer of  
14 ownership, upon the issuance of a notice of noncompliance to a  
15 gross polluter pursuant to Section 44081, and as otherwise  
16 provided in this chapter.

17 *SEC. 5. Section 44013 of the Health and Safety Code, as*  
18 *added by Section 22.5 of Chapter 1192 of the Statutes of 1994, is*  
19 *amended to read:*

20 44013. (a) (1) ~~The department, in cooperation with the~~  
21 ~~state board, in consultation with the department,~~ shall prescribe  
22 maximum emission standards to be applied in inspecting motor  
23 vehicles under this chapter.

24 (2) In prescribing the standards, ~~the department~~ *state board*  
25 shall undertake studies and experiments which are necessary and  
26 feasible, evaluate available data, and confer with automotive  
27 engineers.

28 (3) The standards shall be set at a level reasonably achievable  
29 for each class and model of motor vehicle when operating in a  
30 reasonably sound mechanical condition, allowing for the effects  
31 of installed motor vehicle pollution control devices and the motor  
32 vehicle's age and total mileage.

33 (4) The standards shall be designed so that motor vehicles  
34 failing the test specified in Section 44012 will be operated, as  
35 soon as possible, with a substantial reduction in emissions, and  
36 shall be revised from time to time as experience justifies.

37 (b) The department, in cooperation with the state board, shall  
38 research and prescribe test procedures to be applied in inspecting  
39 motor vehicles under this chapter, which procedures shall be  
40 simple, cost-effective, and consistent with Section 44012. The

1 department may revise the test procedures from time to time as  
2 experience justifies. To the extent that any test procedure  
3 revision requires new equipment, or a change in equipment, at  
4 licensed smog check stations, the department shall provide a  
5 reasonable period of time for the acquisition and installation of  
6 that new or changed equipment.

7 (c) Notwithstanding any other provision of this chapter, the  
8 maximum emission standards and test procedures prescribed in  
9 subdivisions (a) and (b) for a motor vehicle class and model-year  
10 shall not be more stringent than the emission standards and test  
11 procedures under which that motor vehicle's class and  
12 model-year was certified. Emission standards and test procedures  
13 prescribed by the *state board and test procedures prescribed by*  
14 *the* department shall ensure that not more than 5 percent of the  
15 vehicles or engines, which would otherwise meet the  
16 requirements of this part, will fail the inspection and maintenance  
17 test for that class of vehicle or engine.

18 ~~(d) This section shall become operative five years from the~~  
19 ~~date determined pursuant to Section 32 of the act adding this~~  
20 ~~section.~~

21 ~~4474.2. (a) In addition to, and as a component of, the~~  
22 ~~requirements of Section 4474.1, the department shall develop a~~  
23 ~~plan for the closure of Agnews Developmental Center which~~  
24 ~~shall serve as a model plan the future closure of developmental~~  
25 ~~centers. The model plan shall be developed in consultation with~~  
26 ~~all of the following:~~

27 ~~(1) Each regional center that provides services to persons with~~  
28 ~~developmental services within the San Francisco Bay area.~~

29 ~~(2) The Hospital Director of Agnews Developmental Center.~~

30 ~~(3) A representative of a nonprofit senior adult protection~~  
31 ~~organization that provides services in the San Francisco Bay~~  
32 ~~area.~~

33 ~~(b) The model plan shall address all of the following:~~

34 ~~(1) The use of developmental center staff in order to facilitate~~  
35 ~~a smooth transition of residents from the developmental center~~  
36 ~~into community placement and receiving services under the~~  
37 ~~supervision of the regional centers.~~

38 ~~(2) The need to provide placements for all existing residents~~  
39 ~~from the closed developmental center to appropriate community~~  
40 ~~placements, or developmental center transfers where community~~

1 ~~placements are not possible. The placements shall be in areas as~~  
2 ~~close as practicable to the geographical area in which the person~~  
3 ~~currently resides.~~

4 ~~(3) The use of the closed developmental center for housing~~  
5 ~~hospital and regional center employees during the transition~~  
6 ~~period.~~

7 ~~(e) Submit the plan to the Legislature by January 1, 2007.~~

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